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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3916]

IN THE MATTER OF CHARLES V. HERRON,
ET AL.

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Receiving or accepting, on the part of respondent individual, his agents, etc., in connection with purchase by him of beans in interstate commerce, any commission, brokerage or other compensation, or any allowance or discount in lieu thereof, from respondents Ryon Grain Company and McLaughlin, Ward & Company, upon such purchases of beans by said individual outright and for his own account, whether trading under name employed by him or in or under any other name, prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Cease and desist order, Charles V. Herron, et al., Docket 3916, January 27, 1940]

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Making, granting or allowing, or causing or permitting to be made, granted or allowed, to respondent individual or to any of his agents, etc., and on the part of respondents Ryon Grain Company and McLaughlin, Ward & Company, their successors, etc., and in connection with sale and distribution of beans in interstate commerce, any commission, brokerage or other compensation, or allowance or discount in lieu thereof, upon sale of beans to said individual, trading under name employed by him or in or under any other name, prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Cease and desist order, Charles V. Herron, et al., Docket 3916, January 27, 1940]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 27th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF CHARLES V. HERRON,
AN INDIVIDUAL, RYON GRAIN COMPANY,
A CORPORATION, AND McLAUGHLIN, WARD
& COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answers filed herein by the respondents, and the Commission having made its findings as to the facts and its conclusion, which findings and conclusion are hereby made a part hereof, that said respondents have violated a provision of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914, as amended by the Robinson-Patman Act, approved June 19, 1936, (U.S.C. Title 15, Section 13):

It is ordered, That respondent Charles V. Herron, trading as Charles V. Herron Company or in or under any other trade name, his agents, employees, representatives, successors, or assigns, in connection with the purchase by him of beans in interstate commerce, do forthwith cease and desist from receiving or accepting from respondents, Ryon Grain Company and McLaughlin, Ward & Company, any commission, brokerage or other compensation or any allowance or discount in lieu thereof upon such purchases of beans by said respondent Charles V. Herron outright and for his own account, whether trading under the name Charles V. Herron Company, or in or under any other name.

It is further ordered, That respondents, Ryon Grain Company and McLaughlin, Ward & Company, and their successors or assigns, their officers, agents, employees and representatives, in connection with the sale and distribution of beans

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in interstate commerce, do forthwith cease and desist from making, granting or allowing, or causing or permitting to be made, granted or allowed to respondent Charles V. Herron, trading as Charles V. Herron Company, or in or under any other name, or to any agent, employee or representative of his, any commission, brokerage or other compensation or allowance or discount in lieu thereof upon sales of beans to the said respondent Charles V. Herron, trading as Charles V. Herron Company or in or under any other name.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in

writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 40-582; Filed, February 8, 1940; 9:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933, TRUST INDENTURE ACT OF 1939

AMENDMENT NO. 1 TO SUPPLEMENT S-T

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10 and 19 (a) thereof [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C., 77g; C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C., 77j; C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby amends Supplement S-T¹ [Sec. 239.S-T] to Registration Statements Under the Securities Act of 1933 by amending instruction 3 of the General Instructions thereof to read as follows:

"3. There may be omitted from any prospectus all matter contained in the registration statement pursuant to the requirements of this supplement, except item 4-T. The analysis required by item 4-T may be omitted from any 'newspaper prospectus', as that term is defined by instruction 1 of the instructions as to newspaper prospectuses in the instruction book for form A-2 [Sec. 239.A-2]."
Effective February 7, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-584; Filed, February 7, 1940; 3:33 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1940—Department Circular 570 Rev.²]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

FEBRUARY 7, 1940.

The following is a list of companies holding certificates of authority from

¹ 5 F.R. 277 DL.

² 4 F.R. 4381 DL.

the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241) (U. S. Code, Title 6, Sections 6 to 13 (inclusive)), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Names of Companies, Locations of Principal Executive Offices and States in Which Incorporated

California

1. Associated Indemnity Corporation, San Francisco.
2. Firemen's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

Connecticut

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.

Delaware

9. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

Illinois

10. American Motorists Insurance Co., Chicago.
11. Lumbermens Mutual Casualty Co., Chicago.

Indiana

12. Continental Casualty Co., Chicago, Ill.
13. Inland Bonding Co., South Bend.

Kansas

14. The Kansas Bankers Surety Co., Topeka.
15. The Western Casualty and Surety Co., Fort Scott.

Maryland

16. American Bonding Company of Baltimore.
17. Fidelity and Deposit Co. of Maryland, Baltimore.
18. Maryland Casualty Company, Baltimore.
19. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

20. American Employers' Insurance Co., Boston.

21. Massachusetts Bonding and Insurance Co., Boston.

Michigan

22. National Casualty Co., Detroit.
23. Standard Accident Insurance Co., Detroit.

Missouri

24. Central Surety and Insurance Corporation, Kansas City.
25. Employers Reinsurance Corporation, Kansas City.

New Hampshire

26. Peerless Casualty Company, Keene.

New Jersey

27. Commercial Casualty Insurance Company, Newark.
28. International Fidelity Insurance Co., Jersey City.

New York

29. American Guarantee and Liability Insurance Company, Chicago, Illinois.
30. American Re-Insurance Co., New York.
31. American Surety Co. of New York.
32. Columbia Casualty Co., New York.
33. Eagle Indemnity Co., New York.
34. The Excess Insurance Co. of America, New York.
35. The Fidelity and Casualty Co. of New York.
36. General Reinsurance Corporation, New York.
37. Glens Falls Indemnity Co., Glens Falls.
38. Globe Indemnity Co., New York.
39. Great American Indemnity Co., New York.
40. The Home Indemnity Co., New York.
41. London & Lancashire Indemnity Co., of America, Hartford, Conn.
42. Merchants Indemnity Corporation of New York.
43. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
44. National Surety Corporation, New York.
45. New Amsterdam Casualty Co., Baltimore, Md.
46. New York Casualty Co., New York.
47. Phoenix Indemnity Co., New York.
48. The Preferred Accident Insurance Co. of New York.
49. Royal Indemnity Co., New York.
50. Seaboard Surety Co., New York.
51. Standard Surety and Casualty Co. of New York.
52. Sun Indemnity Co. of New York.
53. United States Casualty Co., New York.
54. United States Guarantee Co., New York.
55. The Yorkshire Indemnity Co. of New York.

Ohio

56. The Ohio Casualty Insurance Co., Hamilton.

Pennsylvania

57. Eureka Casualty Co., Philadelphia.
58. Indemnity Insurance Co. of North America, Philadelphia.
59. Manufacturers' casualty Insurance Co., Philadelphia.
60. Mellon Indemnity Corporation, Pittsburgh.

South Dakota

61. Western Surety Co., Sioux Falls.

Texas

62. American General Insurance Co., Houston.
63. American Indemnity Co., Galveston.
64. Commercial Standard Insurance Co., Fort Worth.
65. Employers Casualty Co., Dallas.
66. Texas Indemnity Insurance Co., Galveston.
67. Trinity Universal Insurance Co., Dallas.

Virginia

68. Virginia Surety Co., Inc., Roanoke.

Washington

69. General Casualty Co. of America, Seattle.
70. Northwest Casualty Co., Seattle.
71. United Pacific Insurance Co., Seattle.

Foreign Companies Authorized To Do a Reinsurance Business Only

72. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.)
73. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.)
74. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.)
75. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.)
76. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.)
77. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.)

[SEAL]

D. W. BELL,

Acting Secretary of the Treasury.

[F. R. Doc. 40-589; Filed, February 8, 1940; 12:07 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

The Commission on February 7, 1940 effective immediately, amended the second sentence of Sec. 31.2-26 (a) to read as follows:

"The record shall be completed not later than June 30, 1941, with respect to telephone plant as at December 31, 1936, and with respect to the changes effected therein between the dates of January 1, 1937, and December 31, 1940, both inclusive." (Sec. 220 (a), 48 Stat. 1078; 47 U.S.C. 220 (a)) [Orders 7-C, 7-D, as amended by Order 31, FCC, Jan. 11, 1938]

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-588; Filed, February 8, 1940; 11:42 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ACCOUNTING REGULATIONS FOR STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January, 1940.

The matter of establishing the requirement that expenditures by steam roads for additions and betterments up to a certain maximum shall be charged to operating expenses being under consideration by the Commission pursuant to the authority contained in Section 20 of the Interstate Commerce Act, and being fully advised in the premises:

It is ordered, That the Commission's Order of April 18, 1923, be and it is hereby canceled and that the following instructions be and are hereby prescribed as the second paragraph of Section 2, Items to be charged, of the General Instructions on page 9 of the Classification of Investment in Road and Equipment of Steam Roads, Issue of 1914:

(a) When the property change involves:

(1) the acquisition of property (other than land, a section of track, or a unit of equipment) the cost of which is less than \$500.00.

(2) the betterment of property (see paragraph 10 of Section 2 of the General Instructions in the Classification of Investment in Road and Equipment), the excess cost of which is less than \$500.00.

(3) the retirement of property (other than land, a section of track, or a unit of equipment), the ledger value of which is less than \$500.00, the cost of the property acquired or the value of the salvage from the property retired shall be appropriately included in operating expenses, and no adjustment shall be made in the property investment account.

(b) The carrier shall not parcel expenditures or retirements under a general plan for the purpose of bringing the accounting therefor within this rule,

neither shall it combine unrelated items of property for the purpose of excluding the accounting therefor from the rule.

(c) This exception to the general instructions of this classification shall not apply to:

(1) property changes involving the retirement and replacement of property when either the ledger value of the property retired or the cost of the property acquired is \$500.00 or more. (See Section 7 of these instructions.)

(2) property changes involving the retirement of property the cost of which is included in the investment account and which is not replaced. (See Section 8 of these instructions.)

(d) The carrier is permitted to adopt for the purpose of its accounting a limit of less than the aforesaid amounts provided it first files with the Commission the maximum amount which it proposes to adopt and makes no subsequent change in this amount except by authority of the Commission, except that when the carrier adopts a limit of less than \$500.00 in reporting property changes to the Bureau of Valuation for valuation purposes it shall adopt a like minimum for accounting purposes in order to coordinate the original cost with the physical property included in the inventory.

It is further ordered, That this order shall be effective on the first day of January 1940.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-596; Filed, February 8, 1940;
12:20 p. m.]

ORDER IN THE MATTER OF ANNUAL REPORTS FROM LESSORS TO STEAM RAILWAY COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of February A. D. 1940.

The subject of the requirements of annual reports from lessors to steam railway companies being under consideration:

It is ordered:

1. That the order of this Commission dated November 28, 1938,¹ In the Matter of Annual Reports from Lessors to Steam Railway Companies is hereby annulled.

2. That all lessors to steam railway companies subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1939, and for each succeeding year until further order, in accordance with Annual Report Form E (Lessor Companies),

¹ 3 F. R. 2856 DI.

which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-597; Filed, February 8, 1940;
12:20 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 328-FD]

IN THE MATTER OF THE APPLICATION OF PLAINVIEW COAL COMPANY FOR EXEMPTION

ORDER ADOPTING FINDINGS OF FACT AND DENYING EXEMPTION

The Plainview Coal Company (the "Applicant") having filed an application on June 30, 1937 with the National Bituminous Coal Commission (the "Commission"), requesting exemption from Section 4 of the Bituminous Coal Act of 1937 on the ground that Applicant is engaged solely in intrastate commerce in bituminous coal which in no way affects interstate commerce in such coal; and

Pursuant to Orders and Notices of the Commission and of the Bituminous Coal Division, United States Department of the Interior (the "Division"), successor to the Commission, a hearing upon such application having been held before a duly designated Examiner of the Commission on May 27, 1938, and before a duly designated Examiner of the Division on November 20 and November 21, 1939, at which hearing all interested parties were afforded full opportunity to appear, to present evidence, to examine and cross-examine witnesses, and otherwise to be heard; and

The Examiner duly designated by the Director of the Division to act in the place and stead of the original Examiner designated by the Commission having submitted his report containing proposed findings of fact, conclusions, and recommendation, recommending the denial of the application herein, which report was duly served upon the parties to this proceeding; and

Opportunity for the filing of exceptions to the proposed findings and conclusions of the Examiner having been

¹ 4 F. R. 4491 DI.

² Filed as part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

afforded and no exceptions thereto having been filed; and

The Director having considered the application, the evidence and the entire record in this matter, and upon the basis thereof having determined that the findings and conclusions of the Examiner are proper and supported by the evidence:

It is ordered, That the findings and conclusions of the Examiner as contained in his report, a copy of which is on file in the Office of the Division in Washington, D. C., be and the same are hereby adopted and made the findings and conclusions of the Director, and the same by this reference are incorporated herein and made a part hereof; and

It is further ordered, That the exemption as requested in the application of the Plainview Coal Company be and the same is hereby denied.

Dated, February 7, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-585; Filed, February 8, 1940;
11:17 a. m.]

[Docket No. 466-FD]

IN THE MATTER OF THE APPLICATION OF ST. LOUIS, ROCKY MOUNTAIN & PACIFIC COMPANY FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above-entitled application for exemption upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application for exemption, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated February 7, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-586; Filed, February 8, 1940;
11:17 a. m.]

[Docket No. 1106-FD]

IN THE MATTER OF THE APPLICATION OF WHITACRE-GREER FIREPROOFING COM- PANY FOR EXEMPTION

ORDER ADOPTING FINDINGS OF FACT AND GRANTING EXEMPTION

The Whitacre-Greer Fireproofing Company (the "Applicant") having filed an application on December 16, 1938, with the National Bituminous Coal Commission, requesting exemption from the provisions of Section 4 of the Bituminous Coal Act of 1937 (the "Act") with respect to coal extracted by Applicant in the process of stripping clay from its Zito mine and consumed by it in the production of clay products; and

Pursuant to Order and Notice of the Director of the Bituminous Coal Division, United States Department of the Interior (the "Division"), successor to the Commission, a hearing¹ upon the application having been held before a duly designated Examiner of the Division on November 14, 1939, at which time all interested parties were afforded full opportunity to appear, to present evidence, to examine and cross-examine witnesses, and otherwise to be heard; and

The Examiner having submitted his report containing proposed findings of fact, conclusions and recommendations, recommending the granting of the exemption herein, which report was duly served upon the parties to this proceeding; and

Opportunity for the filing of exceptions to the proposed findings and conclusions of the Examiner having been afforded and no exceptions thereto having been filed; and

The Director, having considered the application, the evidence and the entire record in this matter, and upon the basis thereof having determined that the findings and conclusions of the Examiner are proper and supported by the evidence:

It is ordered, That the findings and conclusions of the Examiner as contained in his report, a copy of which is on file in the Office of the Division in Washington, D. C., be and the same are hereby adopted and made the findings and conclusions of the Director and the same by this reference are incorporated herein and made a part hereof; and

It is further ordered, That the exemption requested in the instant application be and the same is hereby granted in the manner and to the extent requested and that coal produced by Applicant from the Zito mine, Carroll County, Ohio, incident to the stripping of clay, and consumed by Applicant in the production of clay products, shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937:

Provided, however, That this Order and the exemption hereby granted shall automatically terminate and expire:

1. Unless the Applicant on or before July 1, 1940, files a verified application for renewal of this Order; and

2. Unless Applicant on or before the first day of July and the second day of January of each year hereafter, beginning on July 1, 1940, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption hereby granted continue to exist:

(a) The full name and address of Applicant and the full name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by the Applicant and the nature and purpose of such consumption.

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factories or other facilities at which the coal is consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this Order; and

(c) The acquisition or renewed operation by Applicant of any mines in addition to the Zito mine, to which the exemption hereby granted is limited.

It is further ordered, That any interested party may at any time file with the Director a petition requesting that the Applicant be directed to show cause why the exemption granted by this Order should not be terminated. Any person filing such petition shall serve a copy thereof upon the Applicant herein.

Dated, February 7, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-587; Filed, February 8, 1940;
11:17 a. m.]

DEPARTMENT OF AGRICULTURE.

Sugar Division.

1940 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress), and on the basis of information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1940 sugar quota for the mainland cane sugar area is necessary to prevent the disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at New Orleans, Louisiana, in the Association of Commerce Building, 315 Camp Street, on February 29, 1940, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1940 sugar quota for the mainland cane sugar

area among persons who market such sugar in the continental United States.

The hearing, after being called to order at the time and place mentioned above, may be adjourned to such other place in the same city as the presiding officer may designate, and may be continued from day to day within the discretion of the presiding officer.

Robert H. Shields, John C. Bagwell, Charles M. Nicholson, and E. T. MacHardy are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 7th day of February 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-590; Filed, February 8, 1940;
12:07 p. m.]

1940 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress), and on the basis of information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1940 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Denver, Colorado, in the Empire Room of the Shirley Savoy Hotel on February 19, 1940, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1940 sugar quota for the domestic beet sugar area among persons who market such sugar in the continental United States.

The hearing, after being called to order at the time and place mentioned above, may be adjourned to such other place in the same city as the presiding officer may designate, and may be continued from day to day within the discretion of the presiding officer.

Robert H. Shields, John C. Bagwell, Charles M. Nicholson, and E. T. MacHardy are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C. this 7th day of February, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-591; Filed, February 8, 1940;
12:07 p. m.]

¹ 4 F.R. 4502 DI.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 9, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Atlas Shirt Company, Inc., LaFollette, Tennessee, shirts.

Continental Overall Company, Oskaloosa, Iowa, work clothing.

Weil Kalter Mfg. Company, 4th & Cherry Streets, Troy, Missouri, children's woven underwear.

Signed at Washington, D. C., this 8th day of February, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-598; Filed, February 8, 1940; 12:54 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective February 9, 1940, until June 7, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as

of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
Continental Overall Company, Oskaloosa, Iowa.	Work clothing.	10
Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York.	Woven shorts and swim trunks.	10
Weil Kalter Mfg. Company, 4th and Cherry Streets, Troy, Missouri.	Children's woven underwear.	20

Signed at Washington, D. C., this 8th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-599; Filed, February 8, 1940; 12:54 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 9, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour; *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Central Drapery Company, Spring City, Pennsylvania (5 learners), Chenille Bedspreads.

Chenille Mfg. Co., Inc., 28½ East 2nd Street, Sand Springs, Oklahoma (5 learners), Bedspreads and Bath Mats.

Signed at Washington, D. C., this 8th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-600; Filed, February 8, 1940;
12:54 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 269]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of United Air Lines Transport Corporation for an amendment of its certificate of public convenience and necessity to include Youngstown, O., as an intermediate point on route 1, is assigned for public hearing

on June 17, 1940, 10 o'clock a. m. (Eastern Standard Time), in Conference Room A, Departmental Auditorium, Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., February 7, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-592; Filed, February 8, 1940;
12:09 p. m.]

[Docket No. 321]

IN THE MATTER OF THE CERTIFICATION OF THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN NEW YORK, N. Y. AND CLEVELAND, O., VIA PHILADELPHIA, PA. (CAMDEN, N. J. AIRPORT), WITH A POSSIBLE STOP AT ALLENTOWN-BETHLEHEM, PA.

NOTICE OF HEARING

The above-entitled proceeding is hereby assigned for public hearing on June 17, 1940, 10 o'clock a. m. (Eastern Standard Time) in Conference Room A, Departmental Auditorium, Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., February 7, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-593; Filed, February 8, 1940;
12:09 p. m.]

[Docket No. 323]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORP. FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of United Air Lines Transport Corporation for an amendment to its existing certificate of public convenience and necessity for route No. 1 to authorize the transportation of mail by aircraft to and from the intermediate point of Camden, New Jersey, is assigned for public hearing on June 17, 1940, 10 o'clock a. m. (Eastern Standard Time) in Conference Room A, Departmental Auditorium, Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., February 7, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-594; Filed, February 8, 1940;
12:09 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5699]

APPLICATION OF HAROLD THOMAS, (NEW)

Dated, May 24, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Bridgeport, Conn.; operating assignment specified: Frequency, 1420 kc.; power, 250 w. night; 250 w. day; hours of operation, unlimited

[File No. B1-P-2410]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the type of program service the applicant proposes to render.
2. To determine the nature, extent and effect of electrical interference which would result should the proposed station operate simultaneously with Station WBBC.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Harold Thomas
71 Grand St.,
Waterbury, Conn.

Dated at Washington, D. C., February 6, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-583; Filed, February 7, 1940;
2:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of February, A. D. 1940.

[File No. 56-78]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION AND FRANK J. LEWIS

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 26, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be ad-

mitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 23, 1940.

The matter concerned herewith is in regard to an application by Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, for approval of the sale to Frank J. Lewis, and an application by the said Frank J. Lewis for approval of the acquisition by him from the said Trustee, for a consideration consisting of \$1,600,000 in cash, plus interest thereon at the rate of 4% per annum from December 18, 1939 to the date of consummation of said transaction, of the following:

(a) 13,473 shares of \$7 cumulative preferred stock without par value of Central States Power & Light Corporation;

(b) \$5,108,040 principal amount of 5% debentures, due January 1, 1944, of the said Central States Power & Light Corporation, with January 1, 1940 and subsequent coupons attached;

(c) 30,000 shares of common stock without par value of Central States Utilities Corporation, being all of the outstanding common stock of the said Central States Utilities Corporation;

(d) 22,406 shares of \$7 cumulative preferred stock without par value of the said Central States Utilities Corporation;

(e) \$3,129,100 principal amount of Ten-Year 6% Secured Gold Bonds, due

January 1, 1938, of the said Central States Utilities Corporation, with July 1, 1934 and subsequent coupons attached;

(f) An unsecured 6% demand note of the said Central States Utilities Corporation in the principal amount of \$788,625.27; and

(g) An account payable of the said Central States Utilities Corporation amounting as of November 30, 1939 to \$174,135.48, which amount included interest on the before mentioned unsecured 6% demand note to December 31, 1936.

Of the Ten-Year 6% Secured Gold Bonds mentioned in clause (e) above, \$18,400 principal amount thereof are presently owned by Utilities Power & Light Corporation, Limited, a wholly owned subsidiary of Utilities Power & Light Corporation.

Said Trustee has designated Rule U-12D-1, promulgated under the Public Utility Holding Company Act of 1935, as applicable with respect to the application filed by him.

Said Frank J. Lewis has designated Section 10 (a) (1) of said Act as applicable with respect to the application filed by him.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-595; Filed, February 8, 1940; 12:12 p. m.]